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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/755,920	01/13/2004	John R. Qualich	IS01021AP/FLE MOTA:0003	3478

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EXAMINER	
YANG, CLARA I	

ART UNIT	PAPER NUMBER
2612	

DATE MAILED: 09/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/755,920	QUALICH ET AL.	
	Examiner	Art Unit	
	Clara Yang	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 June 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-32* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *7-32* is/are allowed.

6)☒ Claim(s) *1-6* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *19 June 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed, see pages 13-14 ("In other words, the wake-up circuit 54 in the van Dinteren reference works by adjusting the length of the pulse T_c and *not* by varying the voltage level of the pulse" and that "the van Dinteren reference cannot disclose 'a second resistor having a third terminal coupled *directly* to the second terminal,' as recited in dependent claim 12, as amended."), filed on 19 June 2006, with respect to claims 7, 12, 13, 25, and 29, have been fully considered and are persuasive. The 35 USC §102(b) of claims 7-18 and 25-32 has been withdrawn.

2. Applicant's arguments filed on 19 June 2006 have been fully considered but they are not persuasive.

In response to applicant's argument that van Dinteren is nonanalogous art (see pages 17-19, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, van Dinteren is reasonably pertinent to the problem with which the applicant was concerned, namely "a wake-up circuit that is recalibrated to prevent excessive drift due to environmental conditions" (see page 2, lines 5-7, of the specification). Like the applicant, van Dinteren is also concerned with a recalibrating a wake-up circuit to prevent excessive drift due to environmental conditions (see Col. 1, lines 52-67). Van Dinteren is therefore analogous art, and the examiner maintains the previous 35 USC §103(a) rejection of claims 1-6.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Christenson (US 5,933,090) in view of van Dinteren et al. (US 5,909,093).

Referring to claim 1, Christenson's vehicle remote control system, as shown in Fig.1, comprises: (a) a vehicle (see Col. 3, lines 26-29); and (b) receiver 13 (i.e., control system) located in the vehicle and having a processor 26 and a wake-up circuit coupled to the processor (see Col. 3, lines 30-35 and Col. 5, lines 1-3). Christenson's processor 26 lacks a program for (1) providing a voltage to the wake-up circuit for a first time period once an interrupt is received by the processor; (2) monitoring the wake-up circuit for a second time period; and (3) recalibrating the wake-up circuit if a response of the wake-up circuit exceeds at least one predetermined limit.

In an analogous art, van Dinteren teaches a control system, as explained in the previous rejection of 7, comprising all the limitations of the control system called for in claim 1, including a program used by processor unit 53, wherein the program enables processor unit 53 to: (1) apply charging pulse 109 to wake-up unit 54 for a pulse width (see Col. 2, lines 29-44; Col. 6, lines 20-23; and Col. 8, lines 1-8 and 29-32); (2) measure/monitor wake-up unit 54 during the time between the arrival of charging pulse 109 at wake-up unit 54's capacitive elements and the moment when output 111 is detected (i.e., a second time period) (see Col. 2, lines 44-49 and Col. 8, lines 29-36); and (3) recalibrating pulse width T_c if the response is exceeds the predetermined limit (see Col. 2, lines 49-54 and Col. 8, lines 33-36).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Christenson's vehicle remote control system as taught by van Dinteren because regular calibration of an inexpensive wake-up circuit compensates for the intrinsic inaccuracies of the wake-up circuit's components, thereby making the wake-up circuit reliable and accurate despite the use of cheap components (see van Dinteren, Col. 2, lines 16-28).

Regarding claim 2, Christenson teaches that the control system is a remote keyless entry (RKE) system (see Col. 1, lines 13-14 and 34-41; and Col. 3, lines 11-29).

Regarding claim 3, 5, and 6, as shown in Fig. 1, Christenson's receiver 13 includes device drivers 14. Per Christenson, device drivers 14 perform functions such as locking or unlocking a vehicle door (i.e., engaging and disengaging a door lock), as called for in claim 3, and raising or lowering side and/or rear windows (see Col. 3, lines 46-55), as called for in claim 6; thus Christenson's system includes a lock actuator in communication with processor 26 via device drivers 14 (as called for in claim 3) and a window system (as called for in claim 5) formed by a motor coupled to processor 26 via device driver 14.

Regarding claim 4, on page 11 of the applicant's specification, the applicant teaches that transceiver module 40 may include a radio frequency (RF) receiver. Hence, claim 4 is understood to require an RF receiver coupled to the processor located in the vehicle. Christenson's receiver 13 includes an RF receiver formed by antenna 21 and receiver input section 22 for receiving signal 12 from transmitter 11, wherein signal 12 is an RF signal requesting the locking or unlocking of the vehicle's door (see Fig. 1; Col. 3, lines 20-29 and 46-55; and Col. 5, lines 1-11).

Allowable Subject Matter

6. Claims 7-32 are allowed.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clara Yang whose telephone number is (571) 272-3062. The examiner can normally be reached on 9:00 AM - 7:30 PM, Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on (571) 272-7308. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CY
29 August 2006

MICHAEL HORABIK
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